

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CONSTELLATION NEWENERGY, INC.,

Plaintiffs,

-v-

ALLENTOWN METAL WORKS, INC., *et al.*,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1-22-14

No. 13 Civ. 3281 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of a letter from Plaintiff regarding its anticipated motion for attorneys' fees and costs related to their motion for default judgment (Doc. No. 49) and the attached letter from Defendants in response. Accordingly, IT IS HEREBY ORDERED THAT Plaintiff shall submit its motion no later than February 7, 2014. Defendants shall respond no later than February 21, 2014.

SO ORDERED.

Dated: January 21, 2014  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

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January 21, 2014

**Via Email: [sullivanysdchambers@nysd.uscourts.gov](mailto:sullivanysdchambers@nysd.uscourts.gov) and E-file**

Hon. Justice Richard J. Sullivan  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: **Constellation Newenergy, Inc. v. Capstone Capital Group, LLC et al.**  
Docket No.: 13 CIV 3281(RJS)  
Our File No.: NYCL 13-191 SB

Honorable Sir:

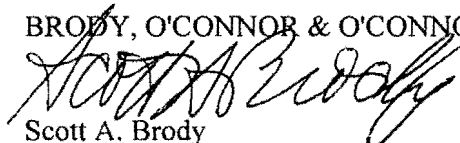
This letter is written to your Honor in response to Plaintiff's request for a pre-motion conference for its counsel fees. Constellation Newenergy seeks \$8,454.60 for the alleged performance of work in connection with obtaining the entry of default, serving Defendants with that entry, and serving Defendants with the Court's Order of October 17, 2013.

In this regard, counsel for Plaintiff's submission to the undersigned included such items as the reviewing and analyzing of dispositive motions, reviewing my letters to the Court regarding dismissal, and the like. I responded to counsel with a counter proposal, and I did not wish the Court to believe from the pre motion letter that Plaintiff did not receive a response. A conference may be necessary, at least by telephone.

I thank the Court for its attention hereto.

Very truly yours,

BRODY, O'CONNOR & O'CONNOR, ESQS.

  
Scott A. Brody

**BRODY, O'CONNOR & O'CONNOR, ESQS.**  
**ATTORNEYS AT LAW**

Honorable Justice Richard J. Sullivan  
January 21, 2014  
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cc: **Via E-mail: [lclement@wongfleming.com](mailto:lclement@wongfleming.com)**  
Wong Fleming, P.C.